

## **REMARKS**

### **Introductory Remarks**

As a preliminary matter, applicant, through their attorneys, hereby affirms election of claims 26-33 and 40-50 (group I), as required by the Examiner in paragraph 1 of the Office Action. Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

### **Claims Objected To Which Would Be Allowable If Rewritten**

The Examiner states that, *inter alia*, claims 40 and 42 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant has amended independent claim 40 to include the limitations of dependent claim 41, and has amended independent claim 42 to include the limitations of dependent claim 43. Claims 41 and 43 have been cancelled. Accordingly, independent claims 40 and 42 and claims depending therefrom or intervening, are believed to be allowable.

### **Rejection Under 35 U.S.C. §102**

Claims 26-30, 40, 42, 44, 45 and 49 stand rejected under 35 U.S.C. §102(e) as being anticipated by Williams, as set forth in paragraphs 6-7 of the Office Action. In view of the claims as presently amended, applicant respectfully traverses this rejection.

The Examiner states that Williams anticipates claim 26 because among other structures, it includes a transmitter/receiver unit (414, 416) in the control unit 310 for controlling the lamp and that the receiver unit sends and repeats messages to the processing and sensing unit 412. Applicant submits that this is not correct, and that Williams does not teach, disclose or suggest that messages are "repeated."

In applicant's claimed invention, the transceiver of a particular lamp may repeat radio frequency messages to another lamp or to multiple lamps. Thus, communication about the lamp "network" is facilitated. In any one lamp, the RF receiver portion of the transceiver may receive an RF message from another transceiver, and cause the RF transmitter portion of the transceiver to repeat the received message to another lamp in the network. Even if the information sent to or from a particular lamp transceiver is not intended for that particular lamp, that particular lamp may still "repeat" that message to another lamp transceiver so that the intended lamp transceiver eventually receives the radio frequency message.

However, in Williams, the transmitter and receiver units 414, 416 do not repeat information to other lamps or networked lamps. Rather, the transmitter/receiver unit 414, 416 in Williams are part of a self-contained control unit 310. This means that perhaps a central control device can send information to the lamp receiver or perhaps the lamp transmitter can transmit information to a central control device, but nowhere does Williams teach or suggest that a radio frequency message from one lamp can be received and transmitted to another in a "daisy-chain" manner to permit the repeated message to arrive at its intended destination lamp. In sum, the device in Williams does not "repeat" a radio frequency message, which is claimed in applicant's invention.

The Examiner cites transmitter/receiver units 414 and 415 [*sic* - 416] in support of the rejection. These components are discussed in the specification at Col. 8, lines 17-24 in conjunction with Fig. 4. The specification states that the:

processing and sensing unit 412 is connected to TX unit 414 and RX unit 416. In a standard application, TX unit 414 may be used to transmit monitoring data and RX unit 416 may be used to receive control information. For applications in which external control information is not required, RX unit 416 may be omitted from lamp monitoring and control unit 310

In that regard, claim 1 has been amended so that it is very clear that the claimed transceiver receives radio frequency messages and repeats those messages at radio frequency to another lamp transceiver. It is clear from the reference specification that the transmitter/receiver units 414 and 416 are not configured to repeat radio frequency messages.

In sum, Williams does not disclose a device that repeats radio frequency messages. Such an element is completely missing in the cited reference. Because at least one significant element of applicant's claimed invention is missing from the device Williams, Williams cannot anticipate applicant's claimed invention. Accordingly, applicant asserts that claim 26 and claims depending or intervening therefrom are allowable over Williams.

Applicant respectfully notes that anticipation focuses on whether a claim reads on the product or process that a prior art reference discloses, not on what the reference broadly "teaches." Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). As the Examiner is aware, each and every element of a claim must be shown in the "four corners" of the reference. "To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter." PPG Industries v. Guardian Industries, 75 F.3d 1558, 37 U.S.P.Q.2d 1618 (Fed. Cir. 1996).

#### Rejection Under 35 U.S.C. §103

Claims 46 and 47 stand rejected under 35 U.S.C. §103 as being unpatentable over Williams, as set forth in paragraph 8-9 of the Office Action. In view of the claims as presently amended, applicant respectfully traverses this rejection.

Applicant reasserts the above argument in traversing the Examiner's rejection regarding

Williams. These rejected claims also recite repeating a message, which is neither taught nor suggested in Williams. Accordingly, applicant submits that claims 46 and 47 are allowable over Williams.

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

WELSH & KATZ, LTD.

By: \_\_\_\_\_

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